

Tennessee Board of Pharmacy  
September 23 – 24, 2003

**TENNESSEE BOARD OF PHARMACY  
SEPTEMBER 23 - 24, 2003  
ROOM 160 – DAVY CROCKETT TOWER  
NASHVILLE, TENNESSEE**

**BOARD MEMBERS PRESENT:**

Forrest Parmley, President  
Robert Shutt, Vice President  
Barbara McAndrew, Public Member  
Reggie Dilliard, Member  
Julie Frazier, Member  
Sheila Mitchell, Member  
Alan Corley, Member

**STAFF PRESENT:**

Kendall Lynch, Director  
Alison Zane, Legal Counsel  
Martha Agee, Board Administrator  
Terrence Canada, Pharmacist Investigator  
Harry Fuqua, Pharmacist Investigator  
Richard Hadden, Pharmacist Investigator  
Ralph Staton, Pharmacist Investigator

The Tennessee Board of Pharmacy convened on Tuesday, September 23, 2003, in Room 160 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee. A quorum of the members being present, the meeting was called to order at 9:00 a.m. CDT by Dr. Forrest Parmley, President.

Dr. Kendall Lynch noted Dr. John Beauregard would not be attending the board meeting.

Dr. Kendall Lynch introduced two (2) pharmacy students, Ms. Annie Foster who is attending University of Tennessee College of Pharmacy and Ms. Patel, from Mercer College of Pharmacy.

**APPROVAL OF THE MINUTES**

The **minutes of the July 22 - 23, 2003** board meeting were presented and reviewed by the Board. Dr. Sheila Mitchell motioned to **approve** the Minutes, seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**CONSENT ORDERS**

**CHARLES J. CHRISTIAN, DPH**  
**3716 Orebank Road**  
**Kingsport, TN 37664**

Ms. Alison Zane, legal counsel, presented a Consent Order whereas Dr. Charles Christian surrendered his license due to chemical dependency. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Dr. Robert Shutt. All were in favor and the motion carried.

**STEVEN I. DUKE, DPH**  
**1320 Clearbrook Drive**  
**Knoxville, TN 37922**

Legal counsel, Ms. Alison Zane, presented a Consent Order for surrender of license due to chemical dependency for Dr. Steven Duke. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Dr. Alan Corley. All were in favor and the motion carried.

**MICHAEL GREENE, DPH**  
**5059 Stapleton Road**  
**Morristown, TN 37813**

Ms. Alison Zane, legal counsel, presented a Consent Order for Revocation of Dr. Michael Greene's license due to violating the terms and conditions of his contract with the Board. Mr. Paul Whetstone, attorney for Dr. Greene, stated in his letter dated September 15, 2003, that Dr. Greene has a Certified Nursing Assistant living with him in order to guard against further binge drinking. Dr. Alan Corley motioned to **accept** the Consent Order for Revocation; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**BRUCE HINTON, JR., DPH**  
**121 Silver Leaf Drive**  
**Jackson, TN 38305**

Legal counsel, Ms. Alison Zane, presented a Consent Order to add one (1) year to Dr. Bruce Hinton's probationary term for failure to notify and provide the Board with a copy of a

prescription. The probationary term shall be extended from June 3, 2003 – June 3, 2004. Dr.

Julie Frazier motioned to **accept** the Consent Order; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**RICK MATTHEWS, DPH**  
**935 Covington Street**  
**Bowling Green, KY 42103**

Ms. Alison Zane, legal counsel, presented a Consent Order for Probation for Dr. Rick Matthews whereas he was disciplined by the Kentucky Board of Pharmacy with a term of probation until June, 2008. Dr. Julie Frazier motioned to **accept** the Consent Order for Probation; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**WILLIAM T. SCANDLYN, DPH**  
**P. O. Box 628**  
**Harriman, TN 37748**

Legal counsel, Ms. Alison Zane, presented a Consent Order whereas Dr. William Scandlyn surrendered his license due to chemical dependency. Dr. Sheila Mitchell motioned to **accept** the Consent Order; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**JOE A. SCOTT, DPH**  
**1150 Birdwell Drive**  
**Gallatin, TN 37066**

A Consent Order for Probation was presented by legal counsel, Ms. Alison Zane, for Dr. Joe Scott. Dr. Scott had entered into a voluntary contract with TPRN on May 24, 1999. A urine screen was performed by TPRN and tested positive for Hydrocodone. The TPRN requested Dr. Scott to submit to a drug/alcohol evaluation, which he refused and advocacy with TPRN was terminated. The Consent Order for Probation stated the Respondent shall submit to a drug and alcohol evaluation within thirty (30) days from the date that the Respondent signs this Consent Order and Dr. Scott was unable to attend in such a short period of time. Director Kendall Lynch

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and counsel, Alison Zane changed the number of days to one hundred and twenty (120) days.

The start date begins July 29, 2003. Dr. Alan Corley motioned to **accept** the Consent Order for Probation; seconded by Dr. Robert Shutt. All were in favor and the motion carried.

**TIMOTHY SIMEK, DPH**  
**1009 Windridge Drive**  
**Maryville, TN 37803**

Ms. Alison Zane, counsel, presented a Consent Order for Reinstatement of License for Dr.

Timothy Simek. Dr. Robert Shutt motioned to **accept** the Consent Order for Reinstatement; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**RAMONA THORNBERRY, DPH**  
**3865 Faulkner Drive**  
**Nashville, TN 37211**

Legal counsel, Ms. Alison Zane, presented a Consent Order for Reinstatement of License for Dr. Ramona Thornberry. Dr. Sheila Mitchell motioned to **accept** the Consent Order for Reinstatement; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**#200102529**  
**WALGREENS #2386**  
**6697 Stage Road**  
**Bartlett, TN 38134**

Legal counsel, Ms. Alison Zane, presented a Consent Order for Walgreens #2386 for violation of Rule 1140-2-.02 (5) relevant to the technician ratio. The Board of Pharmacy meeting held on July 17, 2001, motioned to issue a Consent Order with a civil penalty of \$500 to the pharmacy and \$100 to the pharmacist-in-charge. On September 15, 2003 the board office received the Consent Order with the civil penalty of \$500 from Walgreens. Dr. Reggie Dilliard recused himself. Dr. Alan Corley motioned **to accept the Consent Order pending receipt of the \$100 civil penalty to the PIC**. Dr. Robert Shutt seconded the motion. All were in favor and the

motion carried.

## **WAIVERS**

**SANDRA BARNHART, DPH**  
**110 Olgia Lane**  
**Johnson City, TN 37604**

Dr. Sandra Barnhart is requesting a waiver of Rule 1140-5-.01 relevant to the fifteen (15) Live ACPE continuing education hours. Director Kendall Lynch stated Dr. Barnhart was involved in a car/train accident with her children in September, 2003. Dr. Barnhart was granted a six month extension by the board office. Dr. Reggie Dilliard motioned to **allow Dr. Barnhart an additional six (6) months to obtain the Live CE, until August 31, 2004 and the CE's cannot be applied to the 2005 renewal.** Dr. Alan Corley seconded the motion. All were in favor and the motion carried.

**JEFFREY S. BONHAM, DPH**  
**731 Cabot Drive**  
**Knoxville, TN 37922**

Dr. Jeffrey Bonham is requesting a waiver of T.C.A. §63-10-506 (2) (e) relevant to the license status for reciprocity. Dr. Bonham has an “inactive” license in South Carolina. Dr. Bonham’s license in South Carolina, which was acquired by examination, is “inactive” due to the lack of seven (7) Live CE’s. Dr. Lynch stated there are no rules or nothing stated in Tennessee regulations that state the license to reciprocate has to be “active”. Dr. Bonham will be attending the Fall Therapeutics Seminar on September 25 and 26, 2003. Dr. Reggie Dilliard motioned to grant the request with the requirement that Dr. Bonham attend the Fall Therapeutics Seminar. There was no second to the motion. The motion did not carry. Dr. Dilliard motioned to **deny the waiver and to bring the South Carolina license to active status for reciprocity.** Dr. Robert Shutt seconded the motion. All were in favor and the motion carried.

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**DONALD A. CLARK, DPH**  
**2111 Knob Creek Road, Unit 3**  
**Johnson City, TN 37604**

Dr. Donald Clark is requesting a waiver of Rule 1140-1-.07 (3) (c) (3), relevant to the NAPLEX examination whose license has been inactive for a period greater than five (5) years. Dr. Alan Corley motioned based on Dr. Clark not receiving the letter regarding the rule changes, to **grant the waiver of the NAPLEX and internship hours**. Dr. Julie Frazier seconded the motion. All were in favor and the motion carried.

**MR. BRUCE FRIEDMAN**  
**RX INNOVATIONS, INC.**  
**7351 Standifer Gap Road**  
**Chattanooga, TN 37421**

Mr. Bruce Friedman is requesting a waiver of Rule 1140-3-.14 (12) to allow Patricia Jones, DPH to be the pharmacist-in-charge at two (2) locations. Dr. Jones is currently the PIC at FHC Cumberland Hall Pharmacy. Rx Innovations, Inc., is in the process of submitting a bid for a state contract and are required to be licensed as a pharmacy. Dr. Alan Corley motioned if the contract is not granted in six (6) months, (March 31, 2004), Rx Innovations agrees to surrender the license. Dr. Corley withdrew the motion. Dr. Corley motioned to **grant** the waiver request for the PIC at two (2) locations; seconded by Dr. Robert Shutt. All were in favor and the motion carried.

**DAVID E. HOLLAND, DPH**  
**921 W. West Street**  
**Tampa, FL 33602**

Dr. David Holland is requesting a waiver of Rule 1140-1-.07 (3) (c) (3), relevant to the successful completion of the NAPLEX examination for licensees who have not been active for a period greater than five (5) years. Dr. Holland's license has been in "invalid" status since 1993 and did not receive notification of the rule changes in 1998. Dr. Alan Corley motioned to **grant**

the waiver; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**MICHAEL MING-KONG CHU, DPH**  
**Flat H, 28/F, Blk. 4**  
**Ravana Garden**  
**1-3 On King Street**  
**Shatin, Hong Kong**

Dr. Michael Chu is requesting a waiver of Rules 1140-5-.01; 1140-1-.07 (3) (b) (4) and (5) relevant to the fifteen (15) Live ACPE continuing education hours, Jurisprudence Exam and Internship hours for the reinstatement of his pharmacist license. In April, 2002, Dr. Chu's wife died in a car accident and he moved back to Hong Kong to take care of his two (2) children with the assistance from his sisters. Dr. Chu was licensed by examination in Tennessee and would like to return to the United States in the future. In order to reciprocate to another state, the license must be active. Dr. Reggie Dilliard motioned **to waive the requirement for the fifteen (15) Live CE's for this renewal only and should he decide to return to Tennessee to practice, Dr. Chu would be required to take the Jurisprudence Exam and complete one hundred and sixty (160) internship hours.** Dr. Sheila Mitchell seconded the motion. All were in favor and the motion carried.

**MALIK I. MOTI**  
**3088 Redwood Grove Park**  
**Snellville, GA 30078**

Mr. Malik Moti, a foreign pharmacy graduate, is requesting a waiver of Rule 1140-1-.04 (1) (d) which states, "foreign pharmacy graduates shall complete five hundred (500) hours of pharmacy internship in Tennessee within a period of six (6) consecutive months." Mr. Moti has passed the FPGEE and the NAPLEX. Mr. Moti's Visa will not permit him to work anywhere except in one (1) location in Atlanta, Georgia. Ms. Alison Zane, legal counsel, advised that the Board did not have the authority to grant the waiver. Dr. Alan Corley motioned to **deny** the waiver;

seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

**DON YORK, DPH**  
**NASHVILLE PHARMACY SERVICES**  
**121 Seaboard Lane**  
**Franklin, TN 37067**

Dr. Don York is requesting a waiver of Rule 1140-3-.14 (12) relevant to being the pharmacist-in-charge at more than one (1) pharmacy practice site. Dr. York is currently the PIC at Nashville Pharmacy Services and is requesting to be PIC at United Neighborhood Health Services Home Pharmacy, which is only open one (1) hour/per day on Monday, Wednesday and Friday. Dr. Alan Corley motioned to **grant** the waiver; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

**CRAIG LINER, DPH**  
**3630 Steeple Chase Lane, NE**  
**Cleveland, TN 37323**

In May, 2000, Dr. Craig Liner was disciplined due to chemical dependency and the license was reinstated in September, 2000. The Consent Order stated the Respondent will not serve as Pharmacist-in-Charge for a period of three (3) years, however, after a period of two (2) years, he may petition the Board for a modification of this order. Approximately one (1) year after the Consent Order was signed, Dr. Liner failed to report drugs taken by prescription and the Board executed a Modified Consent Order to extend his probation for one (1) year which stated said probation shall be in effect for a period of six (6) years. Dr. Liner is requesting to be the pharmacist in charge at Eckerd's #1091. Dr. Sheila Mitchell motioned to **approve** the waiver for PIC; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.



## DIRECTOR'S REPORT

### 2004 BOARD CALENDER

<b>January</b>	19 <b>20-21</b>	Martin Luther King Jr. (Holiday) <b>Board Meeting</b>
<b>February</b>	7 9-10  15 16 29	Cookeville Update Seminar TPA Midyear Meeting  Memphis Update Seminar President's Day (Holiday) Knoxville Update Seminar
<b>March</b>	6 13 <b>16-17</b>	Kingsport Update Seminar Chattanooga Update Seminar <b>Board Meeting</b>
<b>April</b>	4 9 17 24-27	Nashville Update Seminar Good Friday (Holiday) Jackson Update Seminar NABP Meeting – Chicago IL
<b>May</b>	5-7 <b>25-26</b> 31	FWS Meeting - Paris Landing <b>Board Meeting</b> Memorial Day (Holiday)
<b>July</b>	4 14-15 21-24	Independence Day (Holiday) Board Meeting TPA Convention – Memphis Peabody
<b>August</b>	1-3	District III-Biloxi, MS
<b>September</b>	6 <b>21-22</b>	Labor Day (Holiday) <b>Board Meeting</b>
<b>October</b>	21-22	MALTAGON Tripartite
<b>November</b>	2 11 <b>16-17</b> 25-26	Election Day Veteran's Day (Holiday) <b>Board Meeting</b> Thanksgiving (Holiday)
<b>December</b>	25	Christmas (Holiday)

## **KENTUCKY BOARD OF PHARMACY THERAPEUTICS SUBSTITUTION RULE**

A proposal request was submitted from Dr. Brad Hopkins and Dr. Chris Schwerdt regarding therapeutic interchange in a Long Term Care Setting since medications are dispensed pursuant to a prescription order.

The proposal states a physician would sign an order for each of their patients that would allow the pharmacist to automatically change orders to the preferred medication in each class. An attachment to each patient's order would specify the drug conversions in each class so the physician would know exactly what the change to their orders included.

The physician would have the opportunity on the conversion charts to make changes to suit their prescribing needs and should the physician decide that a particular patient need not to participate, the physician would indicate, "Do Not Substitute".

After some discussion, President Parmley suggested that Dr. Julie Frazier, Director Kendall Lynch and legal counsel, Ms. Alison Zane to develop general guidelines for therapeutic substitution.

## **FINANCE & ADMINISTRATION – TRANSPORTATION**

The Board of Pharmacy had previously owned two (2) state vehicles and the Department of Motor Vehicles took possession of one of the cars in August, 2003. The Board is currently paying the investigators for mileage at \$0.32 cents/per mile. Dr. Richard Hadden is driving the Board's remaining vehicle. Dr. Terry Cannada is driving approximately 2,600 miles per month and we are in the process of obtaining a Class "B" vehicle for him.

## **DISTRICT III MEETING KNOXVILLE, TN August 7 – 9, 2005**

In August, 2005, Tennessee will host the District III Meeting at the Marriott in Knoxville.

Dr. Glen Farr, Dr. Jim Eoff and Dr. Kendall Lynch are seeking topics for discussion and key speakers.

### **CONTROLLED SUBSTANCE DATABASE ADVISORY COMMITTEE**

Director Kendall Lynch attended a Sunrise Hearing in August, 2003, for the CSD Advisory Committee with committee members, Ms. Robbie Bell, Dr. Charles Rogers, and Dr. Julie Frazier. The final decision was to recommend to the Government Operation Committee to allow a period of six (6) years for the CSD. It was also noted that the CSD Advisory Committee did not have a minority member.

On July 20, 2003, a Rulemaking hearing was conducted and the Commissioner recommended promulgation to the Attorney General's office.

Director Lynch stated he was working with Information Systems in developing a Request for Proposal for the computer program and hardware. The target implementation date is set for July 1, 2004.

### **ARTHUR DELASHMET – REQUEST FOR REINSTATEMENT OF LICENSE ECRU, MS**

Dr. Arthur Delashmet appeared before the Board to request the reinstatement of his pharmacist license with advocates, Dr. Steve Jones and Dr. Barry Williams with the Tennessee Pharmacist Recovery Network. Director Kendall Lynch advised the members that in 1996, Dr. Delashmet surrendered his license due to chemical dependency and was reinstated in September, 1997; relapsed in March, 1999 and subsequently reinstated in May, 2000. Dr. Delashmet went to Mississippi to practice and became involved with the MARP program. In October, 2001, Dr. Delashmet reported to his employer in Mississippi that he had relapsed and this action was later reported to the Tennessee Board. In July, 2002, the Tennessee Board revoked his license. Dr. Delashmet stated he attended a four month program at Talbott Recovery in addition to an

out-patient and aftercare programs. Dr. Delashmet stated he had been working as a intern for nine (9) months in Mississippi at Cardinal Health as a compounding technician. Dr. Barry Williams stated Dr. Delashmet was compliant with his TPRN contract and also is under contract with MARP. After board discussion, Dr. Alan Corley motioned to:

1. Respondent does hereby agree to the reinstatement of license number 9288 with the following probationary conditions. Said probation shall remain in effect for a period of ten (10), from September 23, 2003 to September 23, 2013.

- (a) The Respondent shall completely abstain from the consumption of alcohol or any other drugs, except as specified in (b).
- (b) The Respondent shall be able to consume legend drugs or controlled substances prescribed by the Respondent's primary physician, James W. Speck, MD, except in the case of an emergency or upon a proper referral from the Respondent's primary physician. The Respondent shall immediately notify the Board office in writing of the name of the Respondent's primary physician each time the Respondent changes primary physicians;
- (c) The Respondent shall not obtain or attempt to obtain any prescriptions in the Respondent's name for any legend drugs, controlled substances or devices containing same from a physician other than the Respondent's primary physician or from any other health care provider, such as a nurse practitioner, physician's assistant or psychiatrist;
- (d) The Respondent shall destroy any unused controlled substances prescribed under the provisions of subsection (b) no later than thirty (30) days

following the completion of the prescribed course of treatment;

- (e) The Respondent shall report to the Board, in writing, the ingestion of any and all legend drugs or controlled substances (a copy of the prescription will satisfy the requirement);
- (f) The Respondent shall submit to random sampling of urine, blood or bodily tissues for the presence of drugs and alcohol, at the Respondent's own expense, by agents of the Board, such as the Tennessee Pharmacists Recovery Network for as long as the Respondent has an active license. In the event that the sampling indicates the presence of drugs for which the Respondent does not have a valid prescription or the sampling indicates the presence of alcohol, then formal disciplinary charges may be brought against the Respondent which could result in the revocation of the Respondent's remaining term of probation or the suspension or revocation of the Respondent's license to engage in the practice of pharmacy. Prior to such disciplinary charges being heard by the Board, the Respondent's license may be summarily suspended;
- (g) The Respondent shall comply with all of the terms and conditions of the extended aftercare contract he or she entered into with Tennessee Pharmacists Recovery Network. Respondent shall return a copy of said contract with this Consent Order to the Board office;
- (h) The Respondent shall not serve as pharmacist-in-charge for a period of three (3) years, however, after a period of two (2) years, the Respondent may petition the Board for a modification of this Consent

Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a “floater” for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board;

(i) If the license has been inactive, delinquent, suspended or revoked:

(ii) **One (1) year to not more than five (5) consecutive years, the pharmacist shall:**

- I. Provide written notice requesting an active license;
- II. Satisfy all past due continuing pharmaceutical education;
- III. Successfully complete the jurisprudence examination;
- IV. Pay all cumulative license renewal fees and any applicable penalties;
- V. Complete a period of pharmacy internship in Tennessee.
  - A. From one (1) year to not more than three (3) consecutive years, one hundred sixty (160) hours within ninety (90) consecutive days;

Dr. Robert Shutt seconded the motion. All were in favor and the motion carried.

The Board agreed that the internship performed in Tupelo, Mississippi can count towards the one hundred and sixty (160) hours .

**GARY LUSTER, DPH - REQUEST FOR MODIFICATION OF CONSENT ORDER  
CORDOVA, TN**

Dr. Gary Luster appeared before the Board along with TPRN advocates Dr. Barry Williams and Dr. Steve Jones to request a Modification of his Consent Order. Director Lynch stated in March

1992, Dr. Luster's license was revoked due to chemical dependency and was reinstated with a five year probationary period, which he served. In January, 1998, Dr. Luster relapsed and was reinstated in September, 1998. In July, 1999, he relapsed and was suspended from the practice of pharmacy for five (5) years. In January, 2002, Dr. Luster's license was reinstated and he entered into a ten (10) year probationary period contract with TPRN. At the end of February or first of March, 2003, Dr. Luster relapsed with alcohol. Director Lynch and advocate Dr. Barry Williams of TPRN agreed that Dr. Luster should place his license in an "inactive" status. Dr. Barry Williams, the TPRN Committee and Director Lynch suggested increasing the number of urine screens to twelve (12) and performing six (6) breathalyzers tests. Dr. Luster attended Cornerstone as an in-patient for five (5) weeks. After board discussion, Dr. Sheila Mitchell motioned **to amend the existing Consent Order with the TPRN Contract that was filed on August 21, 2003.** Dr. Alan Corley seconded the motion. All were in favor and the motion carried.

**JAMES STEDMAN, DPH – REQUEST FOR REINSTATEMENT OF LICENSE  
BRENTWOOD, TN**

Dr. James Stedman appeared before the Board to request the reinstatement of his pharmacist license. Advocates Dr. John Crow, Dr. Cliff Weiss and Dr. Ramona Thornberry with TPRN appeared on his behalf. Director Kendall Lynch stated in January 2001, the Board office was informed that Dr. Stedman may have a drug problem and tried to get him to seek treatment. Director Kendall Lynch, pharmacist investigator Terry Cannada and Barry Kincaid with the Williamson County Sheriff's Department, went to Dr. Stedman's home and found numerous drugs at the residence. Dr. Stedman was never charged criminally. In April, 2002, all records were turned over to DEA. There was no pharmacy license involved. Dr. Stedman went to

Charter Lakeside for an evaluation but was not able to afford treatment. Dr. Stedman attended New Life in Burns, Tennessee and is currently employed at New Life. Dr. Cliff Weiss stated TPRN asked Dr. Stedman to return for an evaluation and he signed a voluntary contract with TPRN on May 31, 2003. Dr. Weiss stated Dr. Stedman attends meetings daily and Wednesday night Caduceus meetings. On January 14, 2003, Dr. Stedman completed a three month treatment program. Dr. John Crow and Dr. Ramona Thornberry advocated on his behalf. After board discussion, Dr. Alan Corley motioned to:

1. Respondent does hereby agree to the reinstatement of license number 2988 with the following probationary conditions. Said probation shall remain in effect for a period of five (5) , from September 23, 2003 to September 23, 2008.

- (a) The Respondent shall completely abstain from the consumption of alcohol or any other drugs, except as specified in (b).
- (b) The Respondent shall be able to consume legend drugs or controlled substances prescribed by the Respondent's primary physician, Murray Smith, MD, except in the case of an emergency or upon a proper referral from the Respondent's primary physician. The Respondent shall immediately notify the Board office in writing of the name of the Respondent's primary physician each time the Respondent changes primary physicians;
- (c) The Respondent shall not obtain or attempt to obtain any prescriptions in the Respondent's name for any legend drugs, controlled substances or devices containing same from a physician other than the Respondent's primary physician or from any other health care provider, such as a nurse



practitioner, physician's assistant or psychiatrist;

- (d) The Respondent shall destroy any unused controlled substances prescribed under the provisions of subsection (b) no later than thirty (30) days following the completion of the prescribed course of treatment;
- (e) The Respondent shall report to the Board, in writing, the ingestion of any and all legend drugs or controlled substances (a copy of the prescription will satisfy the requirement);
- (f) The Respondent shall submit to random sampling of urine, blood or bodily tissues for the presence of drugs and alcohol, at the Respondent's own expense, by agents of the Board, such as the Tennessee Pharmacists Recovery Network for as long as the Respondent has an active license. In the event that the sampling indicates the presence of drugs for which the Respondent does not have a valid prescription or the sampling indicates the presence of alcohol, then formal disciplinary charges may be brought against the Respondent which could result in the revocation of the Respondent's remaining term of probation or the suspension or revocation of the Respondent's license to engage in the practice of pharmacy. Prior to such disciplinary charges being heard by the Board, the Respondent's license may be summarily suspended;
- (g) The Respondent shall comply with all of the terms and conditions of the extended aftercare contract he or she entered into with Tennessee Pharmacists Recovery Network. Respondent shall return a copy of said contract with this Consent Order to the Board office;

- (h) The Respondent shall not serve as pharmacist-in-charge for a period of three (3) years, however, after a period of two (2) years, the Respondent may petition the Board for a modification of this Consent Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a “floater” for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board;
- (i) If the license has been inactive, delinquent, suspended or revoked:
  - (ii) **One (1) year to not more than five (5) consecutive years, the pharmacist shall:**
    - I. Provide written notice requesting an active license;
    - II. Satisfy all past due continuing pharmaceutical education;
    - III. Successfully complete the jurisprudence examination;
    - IV. Pay all cumulative license renewal fees and any applicable penalties;
    - V. Complete a period of pharmacy internship in Tennessee.
      - a. From one (1) year to not more than three (3) consecutive years, one hundred sixty (160) hours within ninety (90) consecutive days;

Dr. Robert Shutt seconded the motion. All were in favor and the motion carried.

#### **LEGAL REPORT/COMPLAINTS**

##### **1. Case No.: L02-PHR-RBS-200210546**

The complaint alleges that our investigator observed the pharmacy technician enter the pharmacy unaccompanied by a pharmacist. The technician was unsupervised for

approximately thirty (30) minutes until the pharmacist arrived. In the PIC's response he admits that the technician had a key to the pharmacy. The PIC states that when the technician received the key, they intended to change the alarm system in the pharmacy so that the technician could not enter the area where the medications are until a pharmacist arrived. This system was never installed. As a result of this incident, the PIC has taken the key away from the technician until they can install an alarm system that will meet their needs.

**Recommendation: Consent Order with a civil penalty of \$250.00 to the PIC**

Dr. Alan Corley motioned to issue a **Consent Order with a civil penalty of \$500 to the PIC**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**2. Case No.: L02-PHR-RBS-200207186**

The complaint alleges that the pharmacist was caught on video forging prescriptions. The pharmacist was indicted for Obtaining a Controlled Substance by Fraud. The pharmacist was not convicted; but, rather she was given a district attorney general's diversion, which appears to be very similar, in the way it functions, to judicial diversion. Basically, if the pharmacist does not violate any laws within a one (1) year period of time, the charges will be dismissed.

**Recommendation: Formal Hearing (Consent Order with a five (5) year term of probation with the terms that the Respondent with same terms and conditions as our reinstatement order with an additional condition that that Respondent shall not fill any prescriptions for herself or her family members.**

Dr. Sheila Mitchell motioned to **accept counsel's recommendation**; seconded by Dr. Robert Shutt. All were in favor and the motion carried.

**3. Case No.: L01-PHR-RBS-200101886**

The Complainant alleges that the pharmacy released a copy of her patient profile to her estranged spouse; the Complainant and her spouse were involved in a divorce proceeding when this incident occurred. It appears that the patient profile was released without the Complainant's authorization. As a result of the incident, the Complainant sued the pharmacy alleging breach of a confidential relationship, outrageous conduct and invasion of privacy. The lawsuit was dismissed earlier this year not because the release of this confidential information did not occur, but rather, the Complainant was unable to prove her case for breach of a confidential relationship.

**Recommendation: Letter of Warning to the PIC, the DPH and the District Manager**

Dr. Alan Corley motioned to **accept counsel's recommendation**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**4. Case No.: L01-PHR-RBS-200105497**

The Complainant alleges that her prescription for Lipitor 40 mg tablets was incorrectly labeled with the directions “Right ear as needed for cholesterol”. The pharmacist admits the error and indicated that the error occurred because an incorrect speed code was used by the technician. The pharmacist on duty that day never detected the error.

*Previous Complaint: Pharmacy: None*  
*DPH: None*

**Recommendation: Letter of Instruction to DPH**

Dr. Alan Corley motioned to **issue a Letter of Instruction to DPH and PIC**; seconded by Dr. Julie Frasier. All were in favor and the motion carried.

**5. Case No.: L01-PHR-RBS-200103723**

The complaint alleges that the pharmacist was videotaped stealing Ultram from a hospital pharmacy on three (3) occasions over a twenty-four (24) hour period. The pharmacist was terminated from his employment because of this incident. The pharmacist’s license expired on July 31, 2001 and the Respondent has not made any efforts to renew his license.

**Recommendation: Close the complaint and note that the pharmacist’s license will not be renewed without personally appearing before the Board.**

Dr. Reggie Dilliard motioned to **accept counsel’s recommendation**; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**6. Case No.: L02-PHR-RBS-200210092**

The complaint alleges that the pharmacist was charged with six (6) counts of Possession of a Controlled Substance and twenty-four (24) counts of Possession of Legend Drugs without a Prescription. The pharmacist was given a Judicial Diversion such that if she doesn’t get into any trouble, the charges will be dismissed in October, 2003. The circumstances surrounding this case were that the pharmacist would take her boyfriend to sit with her at the pharmacy while she worked the midnight shift. The boyfriend was taking all of the drugs. The pharmacist knew that the boyfriend was taking the drugs, but the boyfriend threatened to get her fired if she told anyone. The pharmacist is currently practicing pharmacy out of state.

**Recommendation: Letter requesting that the Respondent place her license in inactive status and notifying the Respondent that if intends to work in Tennessee, she must personally appear before the Board.**

Dr. Robert Shutt motioned to **accept counsel’s recommendation**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**7. Case No.: L03-PHR-RBS-200312012**

The Complainant alleges that her prescription for Profen II DM Tablets was shorted by ten (10) tablets, that she had to pay cash for another prescription because it was refilled too early and that, in the past, her prescriptions have been filled with generic drugs when her prescriptions stated that there should be no generic substitute. The PIC responded that the Complainant was informed that pharmacy did not have twenty (20) tablets of Profen II DM and that she would have to pick up the remainder of her prescription in a few days. The technician contacted the Complainant a few days later and informed her that the remainder of her prescription was ready; the Complainant told the technician that she no longer needed the medication. In response to the early refill, the PIC stated that the original prescription was filled at another pharmacy, so they were unaware of the early refill. Since the Complainant did not provide us with specific prescriptions that were filled with generic drugs, the PIC could not respond to this allegation.

*Previous Complaints: Pharmacy: None  
DPH: None*

**Recommendation: Dismissal**

Dr. Robert Shutt motioned to **accept counsel's recommendation**; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

**8. Case No.: L03-PHR-RBS-200314079**

The Complainant alleges that her prescription for Lortab was picked up by another person. The PIC stated that the technician followed the proper procedures for prescription pick-up; she asked the man who was attempting to pick up the prescription to verify the patient address and he did so. As a possible explanation of this incident, the PIC stated that someone rummaging through the trash could have gotten the patient information.

*Previous Complaints: Pharmacy: (8/02, illegal dispensing, dismiss; 1/96, short Rx, dismiss; 5/93, dispensing error, dismiss)*

**Recommendation: Letter of Warning to the PIC about the proper disposal of patient information.**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**9. Case No.: L03-PHR-RBS-200314186**

The Complainant alleges that the Zantac liquid prescription for her son was mistakenly filled with Zyrtec liquid. The child consumed a single dose which caused the child to be drowsy. The pharmacist who verified the prescription admitted the error and attributed it to the fact

that the drugs sound similar and are placed together on the shelf. The PIC has separated the two (2) products on the shelf so that error does not happen in the future.

*Previous Complaints: Pharmacy: (11/02,Rx shorted, dismiss)  
DPH: None*

**Recommendation: Letter of Warning to DPH**

Dr. Sheila Mitchell motioned to **accept counsel's recommendation**; seconded by Dr. Robert Shutt. All were in favor and the motion carried.

**10. Case No.: L03-PHR-RBS-200314005**

The Complainant is a Veterinarian who alleges that the pharmacy contacted him for a refill authorization for a dog who died a year earlier. The original prescription was filled in September, 2001. The pet owner placed another order in April, 2003 for another pet; however, a prescription authorization was inadvertently sent out in the dead dog's name. Once the pharmacy was notified that the dog was dead, it did not dispense any medication.

**Recommendation: Dismissal**

Dr. Sheila Mitchell motioned to **accept counsel's recommendation**; seconded by Dr. Robert Shutt. All were in favor and the motion carried.

**11. Case No.: L01-PHR-RBS-200102222**

The complaint alleges that the pharmacist was found with a vial of Ativan in his pocket after he was involved in a car accident in 2001. The pharmacist admitted to the police that he obtained the vial from his work. Given the age of this complaint, I would like to see the pharmacist's current status.

**Recommendation: Informal Conference with pharmacist.**

Dr. Alan Corley motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**12. Case No.: L03-PHR-RBS-200315040**

The complaint alleges that the pharmacist's license in a neighboring state was summarily suspended and then subsequently revoked by the pharmacist signing a Consent Order for the revocation of her license. The disciplinary charges levied against the pharmacist are for obtaining, selling, delivering or distributing controlled substances, failing to maintain inventories and records of controlled substances, dispensing drugs without a prescription, stealing controlled from her employer and submitting fraudulent Medicaid claims.

**Recommendation: Consent Order for the revocation of the license (mirroring the consent order from the neighboring state).**

Dr. Robert Shutt motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**13. Case No.: L03-PHR-RBS-200315089**

The Complainant, a pharmacy investigator and inspector from a neighboring state, alleges that he was informed that he was informed at a technician seminar conducted by the PIC of a pharmacy that a technician was performing counseling at that pharmacy. The PIC denies the allegation that he stated that a technician was performing counseling at the pharmacy and both the PIC and the technician denied the allegation that the technician was in fact performing the patient counseling. The PIC indicated to us that he would meet with all of his pharmacists and emphasize that it was their duty to counsel patients.

**Recommendation: Dismissal**

Dr. Reggie Dilliard motioned to **accept counsel's recommendation**; seconded by Dr. Robert Shutt. All were in favor and the motion carried.

**14. Case No.: L03-PHR-RBS-200315106**

The Complainant alleges that the pharmacist told the Complainant to stop going to the emergency room and to go and see his primary physician. The Complainant further alleges that the pharmacist refused to fill her prescription. The pharmacist stated that Complainant presented her with the 17<sup>th</sup> set of prescriptions from an area emergency room. The prescriptions were for a narcotic and often a muscle relaxer. None of them were written by the Complainant's primary care physician; they were all written by different emergency room doctors.

*Previous Complaints: Pharmacy: None  
DPH: None*

**Recommendation: Dismissal**

Dr. Robert Shutt motioned to **accept counsel's recommendation**; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

**15. Case No.: L03-PHR-RBS-200315640, L02-PHR-RBS-200211031**

The complaint alleges that the pharmacist tested positive for opiates after she was stopped by the police in a neighboring state for driving erratically and appearing disoriented. The pharmacist's father indicated that the pharmacist was taking opiates by prescription from her psychiatrist. The pharmacist was released to her parents' custody and has been seeing a psychiatrist regularly since the incident. Also, the pharmacist recently consented to a voluntary urine screen which was negative for opiates. This appears to be an isolated incident.

**Recommendation: Closure**

Dr. Sheila Mitchell motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**16. Case No.: L03-PHR-RBS-200315584**

The Complainant alleges that the pharmacy does not provide a full month's supply of the prescription as written by the physician which causes her to make multiple trips to the pharmacy. The Complainant further alleges that the pharmacy filled prescriptions for Risperdal and Paxil that are medicines she does not take. Lastly, the Complainant alleges that she was told by the pharmacy that she could not go back there. The pharmacist responded that the physician only prescribed twenty (20) pills and could only fill her prescriptions a few pills at time because the pharmacy was awaiting the Complainant's eligibility for TennCare ("spend down"). Regarding filling the Complainant's prescriptions for Risperdal and Paxil, the pharmacist stated that the Complainant requested that they fill all of her prescriptions which include Risperdal and Paxil. The pharmacist denies that they ever told her that she could not come back to the pharmacy.

*Previous Complaints: Pharmacy: None  
DPH: None*

**Recommendation: Dismissal**

Dr. Robert Shutt motioned to **accept counsel's recommendation**; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

**17. Case No.: L00-PHR-RBS-200004738**

The complaint alleges that the Respondent is filled bogus prescriptions for Xanax and Hydrocodone and was caught on video tape taking drugs from the pharmacy while he was on duty.

**Recommendation: Formal Hearing**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Dr. Alan Corley. All were in favor and the motion carried.

**18. Case No.: L03-PHR-RBS-200315587**

The Complainant alleges that a transferred refill of his prescription for Trazodone was mistakenly filled with Ultram (Tramadol). The Complainant did not consume the medication. The pharmacist admits the error. The Complainant requested the brand name Trazodone (Desyrel) and the technician thought that the brand name was Ultram (Tramadol) and filled the prescription with the wrong medication. The error was not caught by the



pharmacist in the verification process. The occurrence or lack of patient counseling was not addressed in the complaint.

*Previous Complaints: Pharmacy: None*  
*DPH: None*  
*Technician: None*

**Recommendation: Letter of Warning to DPH and Technician regarding their diligence in filling the prescriptions correctly and emphasizing the importance of patient counseling.**

Dr. Julie Frazier motioned to **accept counsel's recommendation in addition to issuing a Letter of Warning to the PIC**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**19. Case No.: L03-PHR-RBS-200315654**

The pharmacist was disciplined in two (2) different states in 2001 and 2002 for chemical impairment. The pharmacist's Tennessee license expired in September, 2001 and there have been no attempts to reinstate it.

**Recommendation: Close the complaint and note that the pharmacist's license will not be renewed without personally appearing before the Board**

Dr. Robert Shutt motioned to **accept counsel's recommendation**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**20. Case No.: L03-PHR-RBS-200315718**

The Complainant is the patient's daughter who alleges that the patient's prescription for Hydralazine 10 mg was mistakenly filled with Hydralazine 50 mg and that a prescription for Metformin 500 mg was mistakenly filled with two (2) different tablets. The pharmacist admits misfilling the prescription for Hydralazine and the error was detected before the prescription left the pharmacy. Regarding the Metformin prescription, the pharmacist states that the prescription was filled correctly, but that it was filled with medication from two (2) different manufacturers. When this was discovered the entire prescription was exchanged for a single brand.

*Previous Complaints: Pharmacy: (1/00, misfill, LOI)*

**Recommendation: Letter of Warning to DPH**

Dr. Julie Frazier motioned to **issue a Letter of Instruction to DPH**; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**21. Case No.: L03-PHR-RBS-200315659**

The complaint alleges that the pharmacist surrendered her license in a neighboring state for chemical impairment.

**Recommendation: Consent Order for the Surrender of the pharmacist's license with the stipulation that if the pharmacist intends to practice in the State of Tennessee she must personally appear before the Board.**

Dr. Robert Shutt motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**22. Case No.: L03-PHR-RBS-200312053**

The complaint alleges that the Respondent as the president and owner of a wholesaler falsified his wholesaler application by stating that he has never been the subject of charges involving moral turpitude or any other laws. However, the Respondent was arrested for cocaine possession and also charged with kidnapping and aggravated battery prior to the date of his application.

**Recommendation: Consent Order for Revocation**

Dr. Julie Frazier motioned to **accept counsel's recommendation and/or authorize a formal hearing**; seconded by Dr. Alan Corley. All were in favor and the motion carried.

**23. Case No.: L03-PHR-RBS-200314188**

The complaint alleges that during a routine compliance inspection, the investigator observed one (1) pharmacist supervising four (4) technicians (three (3) certified, one (1) not certified). All four (4) technicians were observed performing technician duties. The PIC states that one (1) pharmacist was out with the flu and he left early with a fever leaving one (1) pharmacist with the four (4) technicians. The PIC indicates that he instructed one (1) of the four (4) technicians to perform only cashier functions in order to comply with the rule.

*Previous Complaint : Pharmacy: None  
PIC: None  
DPH: None*

**Recommendation: Letter of Warning**

Dr. Robert Shutt motioned to **issue a Letter of Instruction**; seconded by Dr. Alan Corley. All were in favor and the motion carried.

**24. Case No.: L03-PHR-RBS-200312011**

The Complainant alleges that the pharmacist dispensed her prescription for Tussi 12 D with incorrect directions on it. The prescribed directions were “Take 2 ml po bid prn”. However, the prescription was dispensed with the directions “Take two teaspoonfuls by mouth twice as needed for pain”. The PIC admits that the error occurred. Further investigation revealed that the product substituted was not the generic equivalent of the prescribed product and neither product was an “A” rated entity and therefore the substitution was illegal.

*Previous Complaint: Pharmacy: None*  
*DPH: None*

**Recommendation: Consent Order with a civil penalty of \$300.00**

Dr. Alan Corley motioned to **accept counsel’s recommendation**; seconded by Dr. Robert Shutt. All were in favor and the motion carried.

**25. Case No.: L03-PHR-RBS-200313305**

The Complainants allege that they received the incorrect prescription for Premarin Vaginal Cream for their eighteen (18) month old child. The Complainant’s further alleged that they were not provided with patient counseling, counseling was not offered, there were no directions instructing the Complainants about how to use the cream and that pharmacist #1 was rude. An investigation into this matter revealed that the prescription was filled correctly and the prescriber had not indicated any directions for use other than “use twice daily”. Due to the lack of patient counseling allegation, our investigator presented a new prescription for Zestoretic at the pharmacy. The investigator was not asked for a history, counseled or spoken to by pharmacist #2, who was the pharmacist on duty. In addition, while the investigator had a profile on file with the pharmacy, it was over two (2) years old and no attempt was made to perform the appropriate Drug Regimen Review.

*Previous Complaints: Pharmacy: None*  
*DPH #1: None*  
*DPH #2: None*

**Recommendation: Consent Order with a civil penalty of \$100.00 for pharmacist’s failure to counsel. Consent Order with a civil penalty of \$500.00 to the pharmacy.**

Dr. Robert Shutt motioned to **accept counsel’s recommendations**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**26. Case No.: L03-PHR-RBS-200313043**

The Complainant alleges that the following three (3) misfills occurred: (1). A prescription for Celebrex was mistakenly filled Celexa and the patient should have received sixty (60) tablets and only received thirty-eight (38) tablets; (2). A prescription for Tobradex

Ophthalmic Suspension was mistakenly filled with Tobradex Ophthalmic Ointment; and (3). A prescription for Trileptal was mistakenly filled with six (6) instead of sixty (60) tablets. The Board previously voted to have an informal conference with the pharmacist about the frequency of errors. The pharmacist admitted the violations and stated that the cause was trying to fill the prescriptions too quickly. To remedy the situation, the pharmacist took a two (2) hour continuing education course entitled "Prescription Errors and Legal Responsibility" and he has been making an effort to slow down when filling prescriptions.

**Recommendation: Letter of Warning to the DPH and PIC with an instruction to the PIC to conduct an in-service training with the technicians and the pharmacists about the problems identified in the complaint. The PIC must provide the Board with proof of having conducted an in-service training within sixty (60) days of receipt of the Letter of Warning.**

Dr. Alan Corley motioned to **accept counsel's recommendation**; seconded by Dr. Sheila Mitchell. All were in favor and the motion carried.

**27. Case No.: L02-PHR-RBS-200209218**

The Complainant alleges that the Respondent misfilled a prescription for Aricept 10 mg with Aciphex 10 mg. The patient consumed the wrong medication for approximately thirty (30) days before the error was discovered and did not suffer any harm. The Respondent admits the misfill and hypothesizes that the error may have been caused because the bottles look alike and are only a shelf apart or the wrong label may have been put on another patient's bottle. Since the incident, the pharmacy has instituted a number of new procedures to minimize the change of recurrence, including, utilizing individual baskets for each person's prescriptions, initialing the NDC number on the bottle by the pharmacist, purchasing barcoding and scanning equipment and rearranging the prescription area to improve workflow.

*Previous Complaints: Pharmacy: None  
DPH: None*

**Recommendation: Letter of Warning to the DPH**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Dr. Alan Corley. All were in favor and the motion carried.

**28. Case No.: L02-PHR-RBS-200210089**

The Complainant alleges the following: (a). That a prescription was misfilled, she consumed the incorrect medication which caused her blood pressure to get too low; (b). A clerk in the pharmacy advised the Complainant that her prescription was two (2) days early and could not be filled. A pharmacist corrected the clerk; (c). The pharmacy filled a new prescription instead of an older prescription that could have been refilled, which caused the Complainant to lose two (2) refills. This involved a transfer of a prescription between

stores. A “hold” prescription at the pharmacy was filled instead of the refill that was at the other store. Because of this communication error, the Complainant did lose two (2) refills, but this is not a violation of our law and rules; (d). The pharmacist on duty spoke to the Complainant and spouse in an unprofessional manner and they were told by the clerk that they should shop at another pharmacy. The technician states that the Complainant’s spouse made disparaging remarks about her and the pharmacist.

*Previous Complaints: Pharmacy: None  
DPH: None*

**Recommendation: Dismissal**

Dr. Robert Shutt motioned to **accept counsel’s recommendation**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

**29. Case No.: L00-PHR-RBS-200002985**

The Complainant alleges that the pharmacist erroneously labeled her prescription for Robaxin, “Take two tablets four times a day” with the wrong dosage instructions which stated “Take one tablet four times a day.” The Complainant did not consume the medication and did not address whether patient counseling was offered. The PIC responded that due to the age of the complaint there are no computer records for the prescription on file and he does not have a prescription number to look it up manually. Also the pharmacist involved with the incident no longer lives in Tennessee. The current technicians and pharmacist have no knowledge of this incident. The reason why a 3 year old complaint is just now being answered is that a letter was sent to the PIC on January, 2001 –never answered, another letter was sent in August, 2002 – never answered and then finally, our investigator hand-delivered the complaint on August 7, 2003.

**Recommendation: Dismissal against the pharmacist and a Consent Order with a civil penalty against the pharmacy for failure to respond to the complaint.**

Dr. Sheila Mitchell motioned to **accept counsel’s recommendation with a \$100 civil penalty**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**ADJOURNED**

Dr. Forrest Parmley adjourned the Board of Pharmacy meeting on Tuesday, September 23, 2003 at 4:30 p.m. CDT.

**RECONVENED**

The Board of Pharmacy reconvened on Wednesday, September 24, 2003, at 9:00 a.m. CDT in Room 160 of the Davy Crockett Tower. President Forrest Parmley called the meeting to

order. All members were present.

## **PHARMACY TECHNICIAN APPLICANTS**

**LYNDA S. COX**  
MAYNARDVILLE, TN

**DAVID T. PANN, JR.**  
MILLINGTON, TN

Director Kendall Lynch presented the above referenced technician applicants to the Board for approval, as the application indicated prior felony convictions. After board discussion, Dr. Alan Corley motioned to **approve** the technician applications; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

## **RICHARD DOUGHERTY, DPH – FORMAL HEARING KNOXVILLE, TN**

A copy of the court reporter's transcript is attached and will become an official document to the minutes.

## **PROPOSED RULES – MULTI-STATE PHARMACY JURISPRUDENCE EXAMINATION**

Director Kendall Lynch mentioned under the Board's present Rule 1140-1-.05, it states, "Applicants for an initial license as a pharmacist shall take a jurisprudence examination ...". The Board office is experiencing difficulty obtaining approval for the MPJE contract. Dr. Robert Shutt motioned to **accept the proposed rule for the MPJE**; seconded by Mrs. Barbara McAndrew. All were in favor and the motion carried.

Dr. Alan Corley motioned to **approve the Notice of Rulemaking Hearing Rules**. The Board of Pharmacy Rule 1140-1-.04, Pharmacy Internship and Rule 1140-3-.03 (10), Medical and Prescription Orders as amended by legal counsel, were approved. Dr. Reggie Dilliard seconded the motion. All were in favor and the motion carried.

**TECHNICIAN REGISTRATION RENEWALS**

The Board requested the technician registration renewals be placed on the agenda for discussion at the November 18 – 19, 2003 board meeting.

**ADJOURNMENT**

Dr. Forrest Parmley entertained a motion to adjourn the Board of Pharmacy meeting on Wednesday, September 24, 2003 at 1:15 p.m. CDT; seconded by Mrs. Barbara McAndrew.

All were in favor and the motion carried.

Respectfully submitted,

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Forrest Parmley, President

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Kendall Lynch, Director